To the Right Honourable the LORDS and COMMONS now assembled in PARLIAMENT.

The Humble Petition of the Prisoners in the Fleet.

Sheweth,

THat there are many antient and late presidents remayning with the Warden of the Fleet, That Prisoners of all sorts in his custody whether upon Action or Execution have from time to time upon occasion had and obtained Writts of *Habeas Corpus* out of the Courts of Common Law and Chancery, to go abroad to prosecute their Law suites, and compound with Creditors, and to provide for subsistance: Which Writts have beene granted successively by the most learned Judges, as also by the Lord Chancellours and Lord Keepers of the great Seale in their severall times without intermission, untill now of late that the Iudges of the Common Pleas have refused to grant the same, which will tend to the utter undoing of many of your Petitioners, howbeit these sad times might rather crave a more mercifull and charitable inclination towards the afflicted and distressed.

Wherefore your Petitioners are most humble Suitours to your Honours that your said Petitioners may be allowed the former favours and benefit of the said writs of Habeas Corpus *according as heretofore they have antiently and usually had.*

And your Petitioners shall have cause to pray, *&c.*

Breife Reasons for granting Writs of *Habeas Corpus* to Prisoners in Execution, especially in the Fleet.

1. ANtiently the Warden of the Fleet might without Writ send any Prisoners abroad with their Keepers upon all occasions, till the Statute of 1 *Rich.* 2. *Cap.* 12. restreyned him, unlesse he had the Kings Writ or command for it.

2. They are Prerogative Writts or Writts of Grace which the King never denyeth to any of his distressed Subjects upon just occasions: Either for his owne service or for their preservation aswell in their Persons as Estates. And therefore the Exchequer frequently granteth them to the Kings Accomptants Debtors and Farmers in Execution, for the raising and levying of His Majesties Debts and Revennes. And the Chancery awardeth them to remove Prisoners into the Countrey out of the Fleet when the infection is in *London*; and when they have Law Suits, to Solicite their owne causes.

3. The Fleet is a speciall Prison of the Kings for civill matters, As the Tower of *London* is for Criminall, and thither are men committed for Debts to the King and for contempts of Orders and Decrees in Chancery and all other Courts of Equity. And if any other Prisoners for Debt be removed thither, they have ever been allowed the priviledge and benefit of those Writts aswell as the Kings Prisoners.

To the Honble. the House of *Commons* now Assembled in the high Court of *Parliament*

The humble Petition of *John Lilburne*, Leift. Colonel.

In all humilitie

SHewing, That your Petitioner having suffered aboundance of inhumaine barbarous crueltie, by vertue of an illegall decree made against your Petitioner in the Starr-Chamber, 1637. (As by the coppie of his Petition formerly presented to this Honourable House here unto anexed, and by your owne Votes made the 4. of *May*. 1641. upon the examination of that Petition) will appeare, which are as followeth, First, that the sentence of the Star-Chamber given against him is illegall and against the Libertie of the Subject, and also bloudy, wicked, cruell, barbarous and tyrannicall. Secondly, that reparations ought to be given to him, for his imprisonment, sufferings, and losses sustained by that illegall sentence; and then also ordered that care should be taken to draw up his case and transmit it to the Lords. But by reason of multitude of businesse in this Honourable House there hath been no further proceeding in it since, and these distractions comming on; your Petitioner tooke Command under the Right Honourable *Robert* Lord *Brooke*, with whose Regiment he adventured his life freely, and resolutely both at *Kenton* field and *Brainford*, where he was taken Prisoner and carried away to *Oxford*: where within a short time after his comming, the King sent to the Castle to your Petitioner, the now Earle of *Kingston*, the Lord *Dunsmore*, the Lord *Maltravers*, and the Lord *Andevour* to woo your Petitioner with the large profers of of the Honour and glorie of Court preferment, to forsake the Parliaments partie; and to ingage on his partie; upon the slighting and contemning of which your Petitioner was within few dayes after laid in Irons & kept an exceeding close Prisoner, & forced severall times to march into *Oxford* in Irons to Judge *Heath*, before whom he was araigned for high Treason, for drawing his sword in the cause of the Common-wealth, & suffered multitudes of other miseries in his almost twelve moneths cruell Captivitie there. In which time he lost above 600. l. in his estate that he left behind him at *London* (as he is cleerly able to make appeare) and immediately after his comming from thence he tooke Command in the Earle of *Manchesters* Army, his Commission as Major of Foot, bearing date the 7. of *October* 1643, which lasted till the 16. of *May*, 1644 At which time he was authorized by Commission as Leiftenent Collonell to command a Regiment of Dragooners. In which service having beene in many ingagements, he hopes it will easily appeare that he hath not only behaved himselfe honestly and faithfully, but also valiently and stoutly in the midst of many discouragements, (God crowning some of his endeavours with successe, especially at the taking in Sir *Francis Wortleis* Garrison and *Tickel* Castle,

The premises considered,

He humbly beseecheth this Honourable Assemblie to perfect that justice which you happily began for your Petitioner, and to give him Reparation for his long and tedious Imprisonment and heavie sufferings by the Starr-Chamber decree (having waited 4. yeares with patience for that end) though he lost by his Imprisonment all that he had, and was deprived of a profitable calling being then in the way of a Factor in the low Countries) and also to take of the Kings fine. And to consider his service with the Earle of *Manchester*, his pay amounting to about 800. l. of which he hath not received, 200. l. though he hath faithfully adventured his life, and spent a great deale of his own money, and lost at *Newarke* when *Prince Rupert* raised the seige almost a 100. l. being stript from the Crowne of the Head to the Sole of the Foot, besides his former losses at *Kenton* battell and *Brainford*. Wherefore he humbly prayeth that his accoumpts may be audited and his arreares (according to the Tennor of your own Ordinance) paid unto him. And he shall ever pray, &c. *John Lilburne.*

To the Honorable House of *Commons*, now Assembled in the high Court of *Parliament*.

The humble Petition of *John Lilburne*, Prisoner in the *Fleete*:

In all humilitie sheweth,

THat in *December* next will be three yeares, your Petitioner upon supposall of sending over certaine Bookes of Doct. *Bastwickes* from *Holland* into *England*, was by Doct. *Lambes* warrant without any examination at all sent to the Gate house Prison, and from thence within three dayes removed to the Fleet where he abiding Prisoner, In *Candlemas* Tearme following was proceeded against in the honourable Court of Starr-chamber, where your Petitioner appearing and entering of his name, for want of money his name was strucke out againe, and he refusing to take an Oath, to answer to all things that should be demanded of him, for that your Petitioner conceived the said Oath to be dangerous and illegall, without any Interogatorys tendered him, for his refusing the said Oath, he was prosecuted and censured in the said Court most heavily, being fined 500. l. to the King, and sent prisoner to the Fleet. And in *Easter* Tearm following was whipped from the Fleet to *Westminster*, with a 3. fold knotted Cord receiving at least 200 stripes, and then at *Westminster* he was set on the Pillary the space of 2. houres (and over and above the censure of the Court at the Warden of the Fleets command was gagged about an houre and halfe) after which most cruell sufferings was againe returned into the Fleet close Prisoner, when through his said sufferings the next morning he being sicke of an extreame Feaver could not have admittance for his Chirurgion to let him bloud, or dresse his sores till the after noone of the said day though the Chirurgion himselfe in pittie to the Prisoner went to *Westminster* to the Warden himselfe, and your Petitioner hath been a close Prisoner in the Fleet ever since, where in a most cruell manner he hath been put into Iron Fetters both hands and leggs, which caused a most dangerous sickneſse that continued 6. moneths, and after some small recoverie was againe laid in Irons: which caused at least 5. moneths sickneſse more dangerous then the former. During which time of sickneſse, they have most unhumanely denyed his friends to come to see him, nntill they would give them money for admittance; and they have denyed many to come at all, and have beaten, and kicked, and otherwise most shamefully abused such his friends as came to see him in his great distresse, and to bring him food and necessaries to sustaine his life, and also have kept his servant from him, and his food: so that if he had not been relieved by stelth of his fellow Prisoners he had been kept from any food at all for above the space of 10. dayes together, and the Prisoners that out of pitty have relieved him, have been most cruelly punished, and the Keepers have not forborne to confesse themselves that they had starved him long agoe, had not the Prisoners relieved him: and besides all this they have most cruelly beaten and wounded him, to the hazard of his limbs, and danger of his life, had he not been rescued and saved from them by the Prisoners of the same house, in which most miserable condition your poore Petitioner hath continued a Prisoner for the space of above 2 yeares and a halfe, and is like still to continue in the same under the mercilesse hands of the Warden of the Fleet, who hath denyed lawfull libertie to his Prisoners: For that he hath said, he must observe the Man that hath so great a sway in the Kingdome, intimating the Arch Bishop.

All which his deplored condition and Lamentable miseries he most humbly presenteth to this honourable Assembly beseeching them to be pleased to cast an eye of compassion towards him, and to afford him such releife from his censure and hard imprisonment as may seem good to your wisedomes, who otherwise is like to perish under the hands of mercilesse men.

And your Petitioner shall ever pray as in duty he is bound to the Lord to blesse and prosper this honourable Assembly. *John Lilburne.*

MAy it please this Honorable House to take Notice, that I have indeavored by all the wayes and meanes I possible could, for these divers weekes together, to get my Petition presented and read in this honorable Assembly: but by reason of multitudes of Publique businesse, I have not been able to get my desire effected: Therefore in regard of my necessities arising from my often suffering shipwracke in my estate, in reference to my eyeing the Welfare of the Publique, and having spent above threescore pounds since I begun to wait upon this house to get this Petition read, and having a wife and familie to maintaine, meerly out of my owne industerie which are likely to suffer very much by my continued attendance here, I am therefore necessitated to assume the boldnesse to present my Petition in print to the honourable Members of this house, hoping I shall not therefore be esteemed a transgressor; especially when it is seriously considered that for above 7. yeares together, I have suffered all kind of miseries, hazards and dangers, and laboured studiously and cordially to preserve and defend my birth right and priveledges, which is the inheritance of all the Freeborne people of *England*, amongst which I humbly conceive the libertie of making knowne my greviances to this heigh and honourable Court (the trustes of the whole Common welth of *England*) is not the least: for whose just authority I have so often in the feild ventered my life.

And whereas in the conclusion of my Petition, I pray that my accompts may be audited, I humbly crave leave to declare unto you one reason for that, which is this. I was Major to Collonell *King* for divers moneths, with whom I served in *Lincolnsheire* faithfully, my pay amounting to betwixt 2. & 300. l of which he paid me about one forth, & detaines the rest in his owne hands, (which I am confidently perswaded he received punctually) of the Countery, with other large sumes of other Officers which likewise he unjustly detaines, as particularly 292. l, 6. s. of my eldest brothers, who never had a weekes pay from him. And likewise 316. l. 12. s. 6. d. of my youngest brother, with other great sums and though we had the Earle of *Manchesters* warrant to him and the Auditer Generall of the Army to audit our accompts, yet he contemnd them both, and would not give us a Debenter for our money though we honestly paid our quarters both for Horse and Man and though he receaved about Twenty thousand pounds of the County to pay his Officers and Souldiers as divers of the Committee of *Lincolne* doe affirme in their printed Articles which were exhibited to this honourable House in *August* last, and if they had said 30000. l. I beleeve it might easily be proved true, if you would command him, to give up his accompts and authorize men of integrity and fidelitie in the Country to inquire after his receipts, the which if you please to doe I doe humbly conceive you will get some thousands of pounds by it, which he unjustly detaines in his hands from you and those that have done you faithfull service,

FINIS.